

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
December 9, 2015

CONSENT AGENDA

1. Title: AG Land Investors
Case #: **Z2015049**
Supervisor District: 2
Applicant & Owner: AG Land Investors, LP/ et al.
Request: Zone Change from RU-43 to IND-2 and IND-3.
Site Location: Located at the southwest corner of 80th Street and Elliot Road.
Site Size: Approximately 80 ac.
Commission
Recommendation: 11/5/15, the Commission voted 7-0 to recommend **approval** of **Z2015049** subject to conditions 'a' – 'g':
 - a. An Industrial Unit Plan of Development (IUPD) is applied to the site specifically to limit the respective IND-2 and IND-3 permitted uses to those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated via individual septic systems until such time that either sewer service is provided or effective annexation by the City of Mesa.
 - b. A Plan of Development (POD) is required prior to construction permitting.
 - c. The site may be (re-) developed and used for any use that is statutorily exempt from County zoning authority without POD or permit.
 - d. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 1. The new onsite septic system design will be submitted to MCESD for approval. Wastewater discharge from industrial facilities to the septic system will consist of typical sewage only, and will not include any motor oil, gasoline, paint, varnish, solvent, pesticide, fertilizer, or other material not generally associated with toilet flushing, food preparation, laundry, or personal hygiene (AAC R18-9-A309.7a).
 2. Any wastewater that is non-typical sewage shall be routed to an interceptor tank and removed from the site by an industrial waste disposal service (as is done for the non-typical sewage wastewater from the industrial buildings).
 - e. The following Planning Engineering conditions shall apply:
 1. Elliot Road along the north of the subject premises is under the jurisdiction of MCDOT. Dedication of right-of-way will be required to provide an ultimate right-of-way width of 65 feet (half-width).

2. E. Mesquite Street and S. 80th Street are mid-section alignments. Dedication of right-of-way will be required to provide an ultimate right-of-way width of 40 feet (half-width). Half-width improvements, conforming to the MCDOT Roadway Design Manual will be required.
 3. A traffic study will be required with the plan of development (POD) application. Offsite road improvements requirements along Elliot Road are pending the results/recommendations of the traffic study.
 4. Provide the required retention volume for the 100 year, 2 hour storm event for the POD area, including adjacent right-of-ways. Provide documentation that the retention basin(s) will drain within 36 hours.
 5. Provide a runoff coefficient based on Table 6.3 of the Maricopa County Drainage Policies and Standards. Use 0.95 for commercial/industrial areas and 0.5 for retention areas.
 6. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of buildings may be necessitated by the final engineering design of the drainage infrastructure.
 7. Any application for development must demonstrate that historic drainage inflow and outflows flow and characteristics will be maintained.
- f. The property owner/s and their successors waive claim in diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

2. Title: Badley Center
Case #: **CPA2015004**
Supervisor District: 4
Applicant/Owner: Ed Reichenberg/Russell Badley Farms, INC.

Request: Comprehensive Plan Amendment to change the White Tank/Grand Avenue Area Plan land use designation from Large Lot Residential (1-2 d.u./ac.) to Community Retail Center. CPA case approval is by Resolution.

Site Location: Approximately at the northwest corner of Camelback Rd. and Citrus Rd. in the Glendale area.

Site Size: Approximately 18 acres

Commission Recommendation: 11/5/15, the Commission voted 7-0 to recommend **approval** of **CPA2015004** subject to conditions 'a' – 'd':

- a. Development and use of the site shall comply with the narrative report entitled, "White Tanks/Grand Avenue Area Plan Amendment", consisting of 16 pages which includes all exhibits stamped received September 10, 2015, except as modified by the following conditions.
- b. Prior to precise Plan of Development approval, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval of EPCOR water and wastewater services.
- c. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of CPA2015004 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this comprehensive plan amendment is still present, and whether the land use designations associated with this comprehensive plan amendment still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this comprehensive plan amendment and reverts the current land use designations back to 'Large Lot Residential' all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.
- d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to

the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation. The Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

3. Title: Badley Center
Case #: **Z2015050**
Supervisor District: 4
Applicant/Owner: Ed Reichenberg/Russell Badley Farms, INC.
Request: Zone Change from Rural-43 to C-S - Planned Shopping Center
Site Location: Approximately at the northwest corner of Camelback Rd. and Citrus Rd. in the Glendale area.
Site Size: Approximately 18 acres
Commission
Recommendation: 11/5/15, the Commission voted 7-0 to recommend **approval** of **Z2015050** subject to conditions 'a' – 'n':
- a. Development of the site shall be in conformance with the Narrative Report entitled "Planned Shopping Center Zoning District", consisting of 16 pages which includes all exhibits stamped received September 10, 2015, except as modified by the following conditions.
 - b. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the initial construction permit for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2015050 which details the status of this project, including progress on obtaining construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the initial construction permits.
 - c. At the time the Plan of Development (POD) is applied for, a Traffic Impact Study shall be conducted and provided to the City of Glendale and the City of Goodyear for review (extra copies for these municipalities must be provided in addition to requirements for Engineering review).
 - d. The following Flood Control District condition shall apply:

1. The site contains regulated Special Flood Hazard Areas (Floodplains and Floodways). Prior to any development on the site, a Floodplain Use Permit must be obtained.
- e. The following MCDOT conditions shall apply:
1. Preserve a total half-width right-of-way of 65 feet on Citrus Road, north of Camelback Road.
 2. Preserve a total half-width right-of-way of 30 feet along 181st Avenue, north of Camelback Road.
 3. Camelback Road is multi-jurisdictional. Right-of-way preservation to be coordinated between Maricopa County, Glendale and Goodyear.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. Prior to any Plan of Development approval, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval of water and wastewater services through EPCOR.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, servicing the site.
- k. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds

for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- n. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

4. Title: 60th and Dynamite
Case #: **CPA2015008**
Supervisor District: 2
Applicant/Owner: Gammage & Burnham/ The R.L. and N.J. Hoover Trust
Request: Comprehensive Plan Amendment (CPA) to change the land use designation of Rural Development Area to Large Lot Residential (1-2 d.u./ac.). CPA case approval is by Resolution.
Site Location: Generally located at the northwest corner of Dynamite Blvd. and 60th Street in the Desert Hills area.
Site Size: Approximately 20 acres
Commission
Recommendation: 11/5/15, the Commission voted 7-0 to recommend **approval** of **CPA2015008** subject to conditions 'a' – 'e':

- a. Development and use of the site shall comply with the narrative report entitled, "60th and Dynamite Comprehensive Plan Amendment Narrative Report", including all exhibits dated revised October 14, 2015, except as modified by the following conditions.
- b. Until approval of the first final plat, the applicant shall submit a written report every five years from the date of Board of Supervisors approval of CPA2015008 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this comprehensive plan amendment is still present, and whether the land use designations associated with this comprehensive plan amendment still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this comprehensive plan amendment and reverts the current land use designations back to *Rural Development Area*, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan

land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.

- c. The total number of residential units shall not exceed 25 dwelling units.
- d. The following Planning Engineering conditions shall apply:
 - 1. The site contains regulated Special Flood Hazard Areas (Zone AO floodplains). Prior to any development of the site, a Floodplain Use Permit must be obtained.
 - 2. N. 60th Street is a MCDOT roadway. The minimum required right-of-way dedication will be 20 feet or as required by review of a traffic impact study.
 - 3. Dynamite Boulevard is under the jurisdiction of the City of Scottsdale. Right-of-way requirements is to be coordinated with the City of Scottsdale.
- e. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation. The Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

5. Title: 60th and Dynamite
Case #: **Z2015061**
Supervisor District: 2
Applicant/Owner: Gammage & Burnham/ The R.L. and N.J. Hoover Trust
Request: Zone Change from Rural-43 to R1-18 Residential Unit Plan of Development (RUPD)
Site Location: Generally located at the northwest corner of Dynamite Blvd. and 60th Street in the Desert Hills area.
Site Size: Approximately 20 acres
Commission
Recommendation: 11/5/15, the Commission voted 7-0 to recommend **approval** of **Z2015061** subject to conditions 'a' – 'i':

- a. Development of the site shall comply with the Zoning Exhibit entitled, "60th and Dynamite Zoning Exhibit", consisting of 1 full size sheet, dated revised October 2015, and stamped received October 14, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled, "60th and Dynamite" consisting of 10 pages, dated revised October 13, 2015, and stamped received October 14, 2015, except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will sever' letter Rural Metro Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 - 1. Prior to Final Plat approval, approved Preliminary master plans for both the water and wastewater systems must be approved by MCESD.
 - 2. Stormwater – The proposed project is located within the urbanized area regulated by the Maricopa County Stormwater Quality Program and requires a stormwater approval and permit.
 - 3. Abandonment permit for the existing septic system must be obtained.
- e. The following Planning Engineering conditions shall apply:
 - 1. The site completely within a regulated Special Flood Hazard Area (SFHA Zone AO Floodplain). Prior to any development on the site, a Floodplain Use Permit must be obtained.
 - 2. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of buildings lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 - 3. Any application for development must demonstrate that historic drainage inflow and outflow flows and characteristics will be maintained.
 - 4. Any application for site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Planning & Development Forms 705 & 712B (Final Plat & Building Permit Phase).
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- g. The property owner/s and their successors waive claim in diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- i. The following R1-18 RUPD standards shall apply:
 - 1. Front Yard Setback: 10'
 - 2. Side Yard Setback: 20' combined, a minimum of 5' on one side
 - 3. Street Side Setback: 10'
 - 4. Rear Yard Setback: 25'
 - 5. Minimum Lot Area: 14,000 sq. ft.
 - 6. Minimum Lot Width: 90'
 - 7. Lot Coverage: 40% for lots 2, 3, 4, 5, 6, 7, 12, 13, 15, 16, 17, 18, 19, 21, 22, 23, 24 and 25
 - 8. Lot Coverage: 45% for lots 1, 8, 9, 10, 11, 14 and 20